



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on December 30, 2002

NOTICE OF ACTION TAKEN -- DOCKET OST 2002-13857-- 5

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: ZOOM AIRLINES INCORPORATED

Date Filed: November 15, 2002, as supplemented on December 4, 2002, and December 12, 2002.

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct: 1) scheduled foreign air transportation of persons, property and mail, between any point or points in Canada and any point or points in the United States; and 2) charter operations, carrying persons, property and mail, between Canada and the United States, and other charters in accordance with 14 CFR Part 212. Together with its application, the applicant filed a motion requesting the Department to withhold its financial submissions from public disclosure.

If renewal, date and citation of last action: New authority.

Applicant representative: Nathaniel P. Breed, 202-973-7919 DOT analyst: Allen F. Brown, 202-366-2405
Responsive pleadings: None.

DISPOSITION

Action: Approved.

Action date: December 30, 2002

Effective dates of authority granted: December 30, 2002, through December 30, 2003.

Basis for approval (bilateral agreement/reciprocity): United States-Canada Air Transport Services Agreement (Agreement).

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Standard exemption conditions.

Special conditions/Partial grant/Denial basis/Remarks: We found, based on the record in this case, that the carrier is operationally and financially qualified to conduct the operations it proposes and that it is substantially owned and effectively controlled by citizens of Canada. Also, we found that the applicant demonstrated good cause for grant of its confidentiality motion for its financial submissions made in the subject Docket. Further, the FAA had advised us that it knows of no reason to withhold this operating authority. In the conduct of these operations, the carrier must adhere to all applicable provisions of the U.S.-Canada Agreement. The above grant includes authority to conduct Third and Fourth Freedom charter operations. Other charter operations to/from the United States under this authority, however, are subject to prior approval under 14 CFR Part 212.

Action taken by: Paul L. Gretch, Director, Office of International Aviation

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion. Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*